REMARKS

Claims 1-4 and 63-77 were pending in the present application. Applicant amends independent Claims 64, 72, and 77 to clarify claimed subject matter and/or correct informalities. The original specification and drawings support these claim amendments at least at pages 12-14. Therefore, these revisions introduce no new matter.

Claims 1-4 and 63-77 are for consideration upon entry of the present Amendment. Applicant requests favorable reconsideration of this response and allowance of the subject application based on the following remarks.

Previous Claims Rejections Under 35 USC §112, 102

Applicant appreciates Examiner's withdrawal of the 35 U.S.C. §112 and §102 rejections from the previous Office Action.

Claim Rejections under 35 U.S.C. §112, 2nd para.

Claims 63-77 and 1-4 stand rejected under 35 U.S.C. §112, second paragraph, as allegedly being indefinite for failing to point out and distinctly claim the subject matter.

Without conceding the propriety of the rejection, Applicant amends **independent Claims 64, 72, and 77** to clarify the subject matter. Support for these amendments is found in the original specification at least at pages 5-8, 10, and 12-14. Thus, no new matter has been introduced. **Dependent Claims 1-4, 63, 65-71, and 73-76** depend from one of independent Claims 64 and 72, respectively, and are allowable by virtue of this dependency.

Applicant respectfully submits that these claims comply with 35 U.S.C. §112, second paragraph and as a result the rejections are now moot. Applicant respectfully requests that the §112 rejections be withdrawn.

§ 103 Rejections: A. and B.

A. Claims 64-69, 71-77, and 2-3 stand rejected under 35 U.S.C. § 103(a) as being obvious over U.S. Patent No. 6,460,020 (Pool) in view of U.S. Patent No. 6,269,345 (Riboud). Applicant respectfully traverses the rejection.

Without conceding the propriety of the stated rejections, and only to advance the prosecution of this application, Applicant amends **independent Claim 64**, to clarify further features of the subject matter. Amended Claim 64 now recites:

> A computer-implemented method for determining values of multiple interrelated parameters of an e-commerce transaction across multiple currencies to manage a sales risk, comprising:
> linking the multiple interrelated parameters of the e-commerce transaction in one or more feedback loops such that calculating each parameter affects calculating at least some of the other parameters;
> wherein calculating each parameter provides an output value used as one of multiple input values for calculating at least some of the other parameters, and calculating each parameter uses as input the output values from calculating at least some of the other parameters;
> calculating the multiple interrelated parameters using output values from one calculation as input values for the next calculation until values within respective predetermined tolerance levels are achieved for each parameter;
> determining the values of the multiple interrelated parameters based on the respective predetermined tolerance levels;
> wherein achieving the respective predetermined tolerance levels for each parameter comprises monetary conversions, set parameters, a market spot price relating to currency, or an adjustment to a set currency price;
> **monitoring the market spot price relating to currency;**
> **adjusting the market spot price based on a negotiated tolerance level for a particular commerce participant; and**

viewing the sales risk based on the values of the multiple interrelated parameters.

Applicant respectfully submits that Pool and/or Riboud, alone or in combination, fail to disclose, teach, or suggest such a method.

Pool Fails To Disclose Predetermined Tolerance Levels, Sales Risk

Pool is directed towards an international transaction system providing pre-transactional calculations (Abstract). In Pool, a buyer selects a language from a menu, selects a catalogue and a product to purchase, selects a currency, and makes a request for a destination for shipping (Fig. 1A, col. 4, line 50; col. 5, lines 11-12, 34-35; col. 6, lines 42-43). In Pool, the customer inputs the destination for purposes of calculating the cost for packaging, shipping, taxes, duties, insurance, etc. to select correct freight charge (col. 7, lines 28-33).

In setting forth a ground of rejection, the Office states that Claim 64 is disclosed by Pool at col. 7, lines 28-42, the citation is reproduced below for convenience.

Pool at col. 7, lines 28-42:

> At step 126, the customer inputs the destination for purposes of calculating the cost of delivering the selected product or products to that destination. This information, in conjunction with the commodity code triggers the particular calculations for packaging, shipping, taxes, duties, insurance etc. of the rest of the transaction process. This is necessary to select the correct freight routes and charge. If, for example, the destination point is within the vendor's country of origin (a determination made at step 126), the calculation of transport charges and duties is much simplified. Calculation of standard freight charges is provided, along with the optional insurance and any other charges, to the customer at step 127. This information can be displayed on the screen as soon as the customer indicates the destination point due to the simplicity of the calculations.

First, Applicant submits that the evidence fails to show Pool discloses, teaches, or suggests *"determining values of multiple interrelated parameters of an e-commerce transaction across multiple currencies to manage a sales risk, comprising: linking the multiple interrelated parameters of the e-commerce transaction in one or more feedback loops such that calculating each parameter affects calculating at least some of the other parameters; wherein calculating each parameter provides an output value used as one of multiple input values for calculating at least some of the other parameters, and calculating each parameter uses as input the output values from calculating at least some of the other parameters"*, as recited in Applicant's amended Claim 64.

The Office also states Claim 64 is disclosed by Pool in Appendix II, cols. 15-16. Applicant respectfully disagrees. For convenience, Applicant reproduces Appendix II.
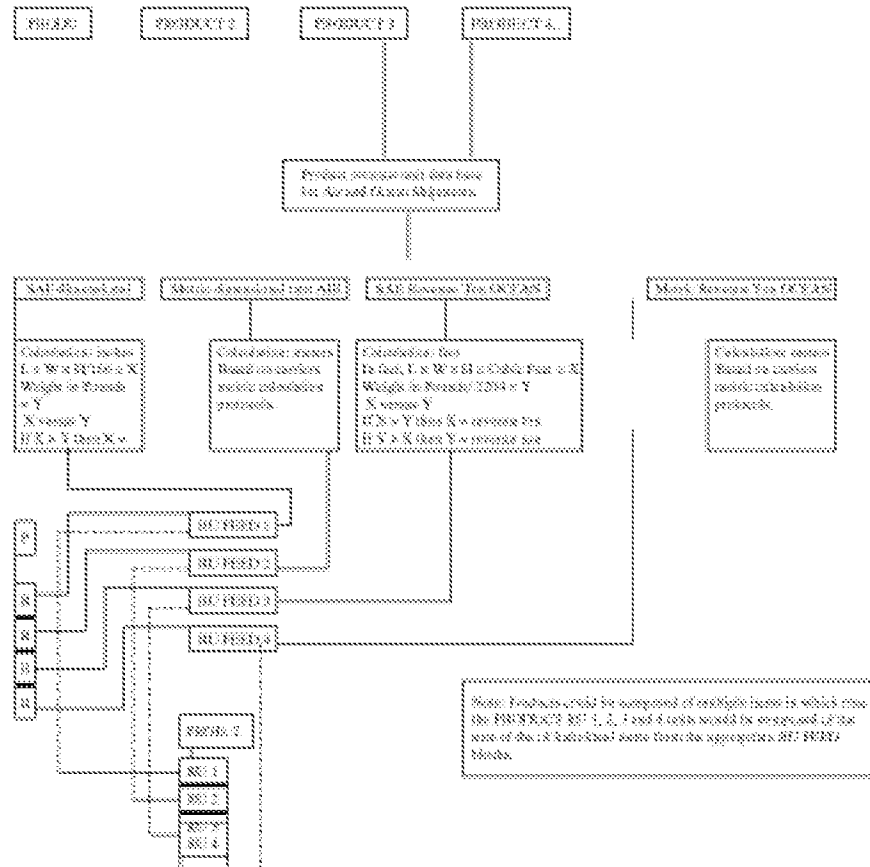
Appendix II in Pool merely shows freight options that a customer can select from and four different ways to calculate air and sea transport costs in metric units and standard English units (col. 7, line 63 to col. 8, line 3). Pool does not use multiple interrelated parameters to manage a sales risk.

Second, Applicant agrees with the Office that Pool fails to explicitly teach *"calculating the multiple interrelated parameters using output values from one calculation as input values for the next calculation until values within respective predetermined tolerance levels are achieved for each parameter; determining the values of the multiple interrelated parameters based on the respective predetermined tolerance levels; wherein achieving the respective predetermined tolerance levels for each parameter comprises monetary conversions, set parameters, a market spot price relating to currency, or an adjustment to a set currency price; and addressing the sales risk, market risk, or commercial performance risk based on the values of the multiple interrelated parameters"*, as recited in Applicant's amended Claim 64 (Office Action, pg. 3).

Third, Applicant submits that Riboud fails to compensate for the deficiencies of Pool. Riboud is directed towards transferring amounts in different local currencies between local banking organizations (Title). Riboud transfers a quantity measured in first unit used by a first entity to a second entity using a second unit, varying as a function of time (Abstract, col. 1, lines 9-13). While the module in Riboud reads the exchange rates memorized in the file and compares them to respective upper and lower thresholds (col. 8, lines 48-50), the request is to transfer a predetermined amount in the reference currency to be converted into currency whose relative value is down (col. 8, lines 55-57).

In contrast, Applicant's amended Claim 64 recites "*calculating the multiple interrelated parameters using output values from one calculation as input values for the next calculation until values within respective predetermined tolerance levels are achieved for each parameter; determining the values of the multiple interrelated parameters based on the respective predetermined tolerance levels; wherein achieving the respective predetermined tolerance levels for each parameter comprises monetary conversions, set parameters, a market spot price relating to currency, or an adjustment to a set currency price; and addressing the sales risk, market risk, or commercial performance risk based on the values of the multiple interrelated parameters*". There is no mention or discussion in Riboud of calculating multiple interrelated parameters using output values from one calculation as input values for the next calculation.

Furthermore, Pool and/or Riboud, alone or in combination, fail to disclose, teach, or suggest "*monitoring the market spot price relating to currency; adjusting the market spot price based on a negotiated tolerance level for a particular commerce participant; and viewing the sales risk based on the values of the multiple interrelated parameters*", as recited in Applicant's amended Claim 64.

Accordingly, Applicant submits that the evidence relied upon by the Office no longer supports the rejections made under §103.

Insufficient Evidence to Suggest Reason to Modify References

Next, there must be some underlined articulated reasoning with some rational underpinning to support the legal conclusion of obviousness... KSR Int'l Corp. v. Teleflex, Inc., Slip Op. at 14 (U.S. Apr. 30, 20076) (quoting In re Kahn, 441 F.3d 977, 988 (CA Fed. 2006)).

The Office stated the motivation for modifying Pool to include the features as taught by Riboud for the obvious reason of reducing the risks associated with currency fluctuations in international commercial transactions (Office Action, pg. 4). Applicant respectfully disagrees and submits that this modification is not well reasoned, because there is nothing in either of the references that would suggest this reason.

Furthermore, there is no articulated reason with some rational underpinning to support this rejection. Instead, the asserted reason relies on hindsight without evidence of articulated reasoning to propose the suggested modification. This rejection is improper for this additional reason.

Turning to **independent Claim 72.** Without conceding the propriety of the stated rejections, and only to advance the prosecution of this application, Applicant amends **independent Claim 72**, to clarify further features of the subject matter. Amended Claim 72 now recites:

> A computerized system computer-readable media for determining values of multiple interrelated parameters of an e-commerce transaction across multiple currencies, having computer-executable instructions on a processor to perform functions comprising:
> logic for linking the multiple interrelated parameters of the e-commerce transaction in one or more feedback loops such that calculating each parameter affects calculating at least some of the other parameters;
> wherein calculating each parameter provides an output value used as one of multiple input values for calculating at least some of the other parameters and calculating each parameter uses as input the output values from calculating at least some of the other parameters;
> logic for calculating the multiple interrelated parameters using output values from one calculation as input values for the next calculation until values within respective   predetermined tolerance levels are achieved for each parameter;
> determining the values of the multiple interrelated parameters based on the respective tolerance levels;

wherein achieving the respective predetermined tolerance levels for each parameter comprises monetary conversions, set parameters, a market spot price relating to currency, or an adjustment to a set currency price;

monitoring the market spot price relating to currency;

adjusting the market spot price based on a negotiated tolerance level for a particular commerce participant; and

viewing a sales risk by using the values of the multiple interrelated parameters based on the respective predetermined tolerance levels.

Applicant respectfully submits that Pool and/or Riboud, alone or in combination, fail to disclose, teach, or suggest such a system. Nowhere do Pool and/or Riboud mention or discuss "predetermined tolerance levels and viewing a sales risk".

Turning to **independent Claim 77.** Without conceding the propriety of the stated rejections, and only to advance the prosecution of this application, Applicant amends **independent Claim 77**, to clarify further features of the subject matter. Amended Claim 77 now recites:

A computerized system, comprising:

means for determining values of multiple interrelated parameters of an e-commerce transaction across multiple currencies, including:

means for linking the multiple interrelated parameters of the e-commerce transaction in one or more feedback loops such that calculating each parameter affects calculating at least some of the other parameters;

wherein calculating each parameter provides an output value used as one of multiple input values for calculating at least some of the other parameters, and calculating each parameter uses as input the output values from calculating at least some of the other parameters;

means for calculating the multiple interrelated parameters using output values from one calculation as input values for the next calculation until values within respective predetermined tolerance levels re achieved for each parameter; and

means for determining the values of the multiple interrelated parameters based on the respective predetermined tolerances;

wherein achieving the respective predetermined tolerance levels for each parameter comprises monetary conversions, set parameters, a market spot price relating to currency, or an adjustment to a set currency price;

means for monitoring the market spot price relating to currency;

means for adjusting the market spot price based on a negotiated tolerance level for a particular commerce participant;

means for viewing a sales risk by using the values of the multiple interrelated parameters based on the respective predetermined tolerance levels; and

means for displaying at least some of the multiple parameters to each participant in the e-commerce transaction in a respective currency of each participant.

Applicant respectfully submits that Pool and/or Riboud, alone or in combination, fail to disclose, teach, or suggest such a system. Nowhere do Pool and/or Riboud mention or discuss "predetermined tolerance levels and viewing a sales risk".

Independent Claims 72 and 77 are each allowable for reasons similar to those discussed above with respect to Claim 64.

Dependent Claims 65-69, 71, 73-76, and 2-3 depend directly or indirectly from one of independent Claims 64 and 72, respectively, and are allowable by virtue of this dependency. These claims are also allowable for their own recited features that, in combination with those recited in Claims 64 and 72, are not disclosed, taught, or suggested by Pool and/or Riboud, alone or in combination. Accordingly, Applicant submits that the evidence relied upon by the Office does not support the rejections made under §103(a). Applicant respectfully request the §103(a) rejection of these claims be withdrawn.

B. Claims 1, 4, 63, and 70 stand rejected under 35 U.S.C. § 103(a) as being obvious over U.S. Patent No. 6,460,020 (Pool) in view of U.S. Patent No. 6,269,345 (Riboud) and further in view of U.S. Patent No. 5,897,621 (Boesch). Applicant respectfully traverses the rejection.

As explained above with respect to the rejection under §103 A., Applicant submits that Pool and/or Riboud fail to disclose, teach, or suggest the features of independent Claim 64. Dependent Claim 1 depends from independent Claim 64.

Turning to **dependent Claim 1,** which recites the computer-implemented method as recited in claim 64, further comprising:

> determining **a cost for credit** to be extended to a participant of the e-commerce transaction, wherein the **credit is extended based upon one or more of the parameters comprising a volume of business a credit provider conducts with a participant, a type of deliverable and collateral for the credit**;
> calculating a cost for exchange of a first currency to a second currency, wherein the cost of exchange is based upon one or more of the parameters comprising currencies involved in the transaction, an aggregate volume of currency exchanged by the participant and the amount of the associated transaction, and is effective for a predetermined period of time; and
> calculating an aggregate price to the customer for the good or service, wherein the aggregate price comprises an aggregate of the cost of credit, the cost for exchange of currency and the amount of first currency relating to the price of the deliverable.

Applicant respectfully submits that Pool, Riboud, and/or Boesch, alone or in combination, fails to disclose, teach, or suggest such a method.

Applicant agrees with the Office that Pool and Riboud do not explicitly teach *"determining a cost for credit to be extended to a participant of the e-commerce transaction, wherein the credit is extended based upon one or more of the parameters comprising a volume of business a credit provider conducts with a participant, a type of*

deliverable and collateral for the credit; calculating a cost for exchange of a first currency to a second currency, wherein the cost of exchange is based upon one or more of the parameters comprising currencies involved in the transaction, an aggregate volume of currency exchanged by the participant and the amount of the associated transaction, and is effective for a predetermined period of time; and calculating an aggregate price to the customer for the good or service, wherein the aggregate price comprises an aggregate of the cost of credit, the cost for exchange of currency and the amount of first currency relating to the price of the deliverable", as recited in Applicant's Claim 1.

Boesch fails to compensate for the deficiencies of Pool and Riboud. Rather, Boesch is directed towards a system and method for determining approval of a multi-currency transaction (Abstract). The server accounts in Boesch represent real cash, credit, etc., corresponding to the electronic funds stored in the customer and merchant accounts (col. 4, lines 21-24). The local accounts of the customer and merchant are sometimes referred in the art as "wallets" and "cash register", respectively (col. 4, lines 29-30). Virtual and actual settlement represent movement of the electronic funds to a merchant account (col. 6, lines 21-22, 28-30). A customer user may have access to amounts in a plurality of customer currencies (col. 11, lines 7-8).

Nowhere does Boesch discuss or mention determining a cost for credit to be extended and how the credit is extended (e.g., volume of business, type of deliverable, and collateral). In contrast, Applicant's Claim 1 recites "*determining a cost for credit to be extended to a participant of the e-commerce transaction, wherein the credit is extended based upon one or more of the parameters comprising a volume of business a*

credit provider conducts with a participant, a type of deliverable and collateral for the credit".

Thus, Pool, Riboud, and/or Boesch, alone or in combination, do not disclose, teach, or suggest "determining a cost for credit to be extended to a participant of the e-commerce transaction, wherein the credit is extended based upon one or more of the parameters comprising a volume of business a credit provider conducts with a participant, a type of deliverable and collateral for the credit", as recited in Applicant's Claim 1. Accordingly, Applicant submits that the evidence relied upon by the Office does not support the rejections made under §103.

Dependent Claim 70 is allowable for reasons similar to those discussed above with respect to Claim 1. For example, Pool, Riboud, and Boesch fail to disclose, teach or suggest "a cost of credit parameter partly determines and is partly determined by a sales price parameter; wherein the cost of credit parameter is partly determined by a creditworthiness parameter; and wherein the sales price parameter is partly determined by the creditworthiness parameter", as recited in Applicant's Claim 70.

Turning to **dependent Claim 4**, Pool, Riboud, and Boesch fail to disclose, teach, or suggest "discounting the cost for exchange according to a volume discount", as recited in Applicant's Claim 4. Nowhere is there any mention or discussion of this feature in the references.

Regarding **dependent Claim 63**, Pool, Riboud, and Boesch fail to disclose, teach or suggest "currency exchange price parameter comprising one or more of: an upper currency exchange price tolerance parameter and a lower currency exchange price tolerance parameter, and a market spot price", as recited in Applicant's Claim 63.

Dependent Claims 1, 4, 63, and 70 depend directly or indirectly from independent Claim 64, and are allowable by virtue of this dependency, as well as for the additional features that they recite.

Applicant respectfully submits that Pool, Riboud, and Boesch, alone or in combination, do not render the claimed subject matter obvious and that the claimed subject matter, therefore, patentably distinguishes over the cited references. For all of these reasons, Applicant respectfully request the §103(a) rejection of these claims be withdrawn.

Conclusion

Claims 1-4 and 63-77 are in condition for allowance. Applicant respectfully requests reconsideration and prompt allowance of the subject application. If any issue remains unresolved that would prevent allowance of this case, the Office is requested to contact the undersigned attorney to resolve the issue.

Respectfully Submitted,

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